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August 7, 2006

MUR # 5790

Office of the General Counsel  
Federal Election Commission  
999 E Street, N. W.  
Washington, D.C. 20463

VIA FEDERAL EXPRESS

Re: Robert D. Tuke, Chairman, Tennessee Democratic Party v. Robert P. Corker, Jr., et al

Dear Sir or Madam:

Please accept for filing the enclosed original Complaint styled as referenced above. We have included three copies of the original filing with this package.

Thank you for your service.

Very truly yours,

Robert D. Tuke  
Chairman

RECEIVED  
FEDERAL ELECTION COMMISSION  
OFFICE OF GENERAL COUNSEL  
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**BEFORE THE  
FEDERAL ELECTION COMMISSION**

Robert D. Tuke  
Chairman  
Tennessee Democratic Party  
223 Eighth Avenue  
Suite 200  
Nashville, TN 37203,

Complainant,

v.

Robert P. Corker, Jr.  
832 Georgia Avenue  
Suite 200  
Chattanooga, TN 37402,

Bob Corker for Senate  
832 Georgia Avenue  
Suite 200  
Chattanooga, TN 37402; and

Kim Kaegi,  
Treasurer, Bob Corker for Senate  
832 Georgia Avenue  
Suite 200  
Chattanooga, TN 37402,

Respondents.

MUR No. 5790

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

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**COMPLAINT**

Complainant files this complaint against Robert P. Corker, Jr. ("Mr. Corker"); Bob Corker for Senate; and Kim Kaegi, as Treasurer (collectively, "Respondents"), for violations of the Federal Election Campaign Act ("the Act"), 2 U.S.C. § 431 *et seq.* (2006) and Federal Election Commission ("the Commission") regulations ("Regulations"), as described below.

## I. FACTS

On October 14, 2004, Mr. Corker filed with the Commission a Statement of Candidacy for the United States Senate. He indicated at that time that he did not intend to spend any personal funds exceeding the threshold amount (\$332,880).

On July 3, 2006, Mr. Corker loaned \$200,000 to his candidacy. On July 10, he loaned another \$445,000. On July 18, he loaned another \$1,100,000, exceeding twice the threshold amount (\$665,760). He did not file a Notice of Expenditure from Personal Funds within 24 hours of that loan. On July 25, Mr. Corker loaned another \$420,000 to his campaign. He has never filed a 48-hour Notice of Contributions / Loans Received ("48-hour Notices") for any of his personal loans.

Beginning on July 20, Mr. Corker received a series of contributions of \$1,000 or more, totaling \$61,000, for which Corker for Senate delinquently filed 48-Hour Notices in violation of applicable Commission regulations. The attached exhibit details each contribution and when the 48 hour report was filed.

## II. ARGUMENT

### A. Legal Background

A candidate, within 15 days of becoming a candidate, must file a Declaration of Intent with the Commission stating the total amount of expenditures from personal funds that the candidate intends to make with respect to the election that will exceed the threshold amount (\$332,880). 11 C.F.R. § 400.20(a) (2006).

When a Senate candidate makes an expenditure from personal funds that causes the aggregate expenditures to exceed two times the threshold amount, the authorized committee must supply written notice to the Secretary of the Senate, the Commission and each opposing candidate within 24 hours of such expenditure. *Id.* § 400.21(a).

After the 20th day before an election, authorized committees must notify the Commission in writing of contributions received of \$1,000 or more. The notification must be received by the Commission within 48 hours of the receipt of the contribution. *Id.* § 104.5(f). Under the

Commission's schedule of penalties for failure to timely file 48-hour Notices, the civil money penalty is 10 percent of the contributions not timely reported, plus \$110 per notice. *Id.* § 111.44.

### **B. Application to Facts**

Tennessee's U.S. Senate Republican primary election was held on Thursday, August 3, 2006. Beginning on July 15, the Bob Corker for Senate campaign was required to file 48-Hour Notices of all contributions received by his committee of \$1,000 or more. This requirement included contributions and loans from Mr. Corker's personal funds.

The Bob Corker for Senate campaign did not timely file notifications for contributions totaling \$61,000. It failed entirely to file 48-Hour Notices notifying the Commission of his own personal contributions totaling \$1,520,000. Finally, Mr. Corker did not timely file his 24-hour notification of expenditure of personal funds.

Because the Bob Corker for Senate campaign filed eight notices late and failed to file two notices, totaling \$1,581,000, the appropriate fine appears to be \$159,200. *Id.* § 111.44. This fine would not include additional fines levied by the Commission for the late filing of the 24 hour notification of expenditure of personal funds.

### **III. CONCLUSION**

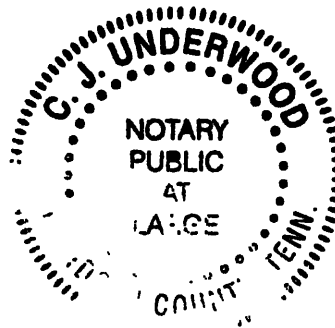
As shown, Respondents have flagrantly violated the Federal Election Campaign Act and Commission Regulations. Accordingly, Complainant requests that Respondents be enjoined from further violations of the act and applicable Regulations and be fined the maximum amounts under applicable laws and regulations.

Respectfully submitted,

  
Robert D. Tuke, Chairman  
Tennessee Democratic Party

SUBSCRIBED AND SWORN to before me this 7 day of Aug, 2006.

C. J. Underwood  
Notary Public



My Commission Expires:

March 31, 2009

**LATE OR MISSED 48 HOUR NOTICES FOR BOB CORKER FOR  
SENATE**

**(48 HOUR REPORTING PERIOD 7/15-7/31)**

<u>Donor*</u>	<u>Amount</u>	<u>Date of Contribution</u>	<u>Date 48 Hour Notice Filed</u>
Bob Corker (loan)	\$1,100,000.00	7/18/2006	Not Filed
Bob Corker (loan)	\$420,000.00	7/25/2006	Not Filed
Robert Decosimo	\$1,000.00	7/20/2006	7/24/2006
Mitch Collins	\$1,000.00	7/20/2006	7/24/2006
Lewis Howard, Jr.	\$1,000.00	7/20/2006	7/24/2006
Joe Hollingsworth, Jr.	\$1,000.00	7/20/2006	7/24/2006
Theressa Coker	\$1,000.00	7/20/2006	7/24/2006
Sharon Thomas	\$1,500.00	7/20/2006	7/24/2006
Zane Brown	\$1,200.00	7/20/2006	7/24/2006
Robert Samples	\$1,500.00	7/20/2006	7/24/2006
Laura Dressler	\$1,000.00	7/19/2006	7/24/2006
Adele Wellford	\$1,000.00	7/19/2006	7/24/2006
J Bessley	\$1,000.00	7/19/2006	7/24/2006

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Wellford			
Virginia	\$1,000.00	7/19/2006	7/24/2006
Lazenby			
William Bown	\$1,000.00	7/19/2006	7/24/2006
Mark Burke	\$2,000.00	7/19/2006	7/24/2006
Barbara Cox	\$2,100.00	7/18/2006	7/24/2006
Marshall Berry	\$1,900.00	7/18/2006	7/24/2006
Marshall Berry	\$2,100.00	7/18/2006	7/24/2006
Eric Gentry	\$2,000.00	7/18/2006	7/24/2006
Angela Gentry	\$2,000.00	7/18/2006	7/24/2006
Steve Bynum	\$1,000.00	7/18/2006	7/24/2006
Sidney Blalock	\$1,300.00	7/21/2006	7/24/2006
Jo Blalock	\$1,700.00	7/21/2006	7/24/2006
Jeffrey	\$1,000.00	7/21/2006	7/24/2006
Goodfriend			
Ellen Davis	\$1,000.00	7/21/2006	7/24/2006
Marla	\$2,100.00	7/27/2006	7/31/2006
Douglass			
Jeffrey Powell	\$2,000.00	7/27/2006	7/31/2006
Phillip Trather	\$1,000.00	7/27/2006	7/31/2006
Jan Maples	\$1,000.00	7/27/2006	7/31/2006
Comerica PAC	\$5,000.00	7/27/2006	7/31/2006
Vicky Gregg	\$2,100.00	7/28/2006	7/31/2006
Tracy Blakely	\$1,000.00	7/28/2006	7/31/2006
Tommy Walker	\$1,600.00	7/28/2006	7/31/2006
Fred Gregg III	\$2,100.00	7/28/2006	7/31/2006
Karen Reed	\$1,000.00	7/28/2006	7/31/2006

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Jonathan	\$1,000.00	7/28/2006	7/31/2006
Lehman			
DuPont PAC	\$1,500.00	7/28/2006	7/31/2006
Paul Weldsy	\$1,000.00	7/28/2006	7/31/2006
William	\$1,000.00	7/28/2006	7/31/2006
Coleman			
Chelsea	\$1,100.00	7/28/2006	7/31/2006
Higgins			
Jane Brown	\$1,100.00	7/28/2006	7/31/2006
Robert Brown	\$1,000.00	7/28/2006	7/31/2006
Marilyn Beltz	\$2,100.00	7/28/2006	7/31/2006
<b>TOTAL LATE</b>	<b>\$61,000.00</b>		
<b>TOTAL</b>	<b>\$1,520,000.00</b>		
<b>MISSED</b>			
<b>TOTAL LATE</b>	<b>\$1,581,000.00</b>		
<b>&amp; MISSED</b>			